

# Newsbreak

Volume 23, Issue 2

November 2012

## The ins and outs of stolen wages

by Robert Mills, OPSEU Local 562 Secretary/Treasurer

The Workers' Action Centre has a campaign entitled Stop Wage Theft. Its focus is on unprotected workers since stolen wages is a huge problem in that group: unpaid overtime, wages not paid at all, workers paid less than agreed upon, and so on. However, stolen wages are also an issue at this college. Stolen wages in this case are from faculty not being paid for overtime work and those not being paid as promised for extra work.

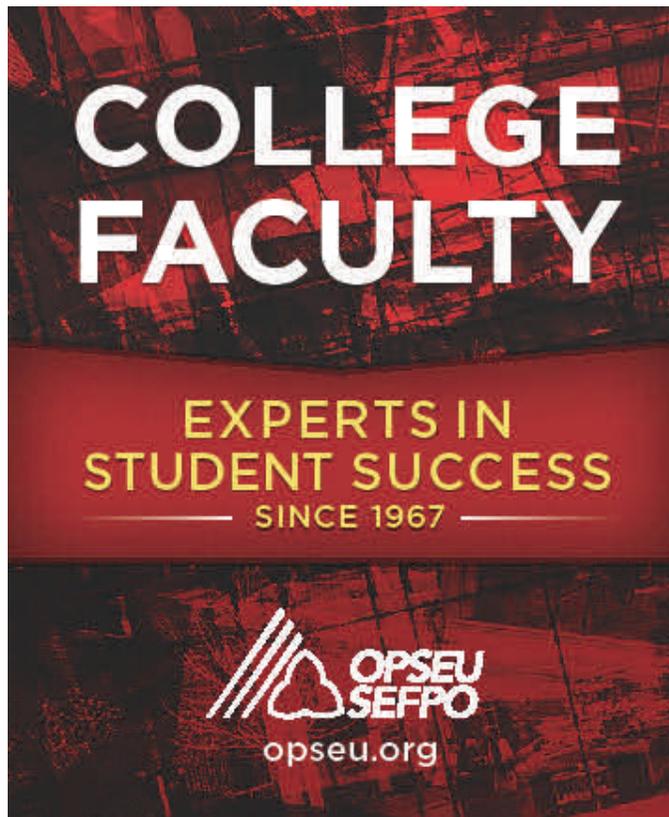
In fact, many of us at the college are hurt by stolen wages. The way Article 11 (Workload) is devised should prevent stolen wages by laying out how our workload is to be developed and then recorded on the Standard Workload Form (SWF). The article in the collective agreement clearly states that all the details of the workload are included on the SWF. The contract

does not state that if a faculty member does any work that is not on the SWF, that person cannot expect to be paid. However, various arbitration hearings have decided just that.

As we know, at this college, many full-time faculty are asked or told or otherwise persuaded (a common argument is professional responsibility) to do work that is not assigned on the SWF. If faculty members do this work

after being instructed to do so, they are doing assigned work since management has told them to do it. But as noted above, the SWF has to contain all details of the workload they are assigned. Having the extra work on the SWF could affect other items such as lowering the class numbers or, possibly, reducing the number of courses.

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# OPSEU 562 Website

[humberfacultyunion.org](http://humberfacultyunion.org)

- Collective agreement 2012 - 2014
- Contract amendments 2012 - 2014
- Latest Newsbreak
- Annotated standard workload form (SWF)
- On-line SWF and salary step calculators

**NewsBreak** is a publication of the Humber College Faculty Union, OPSEU Local 562, intended to provide information and stimulate discussion. We invite your participation and welcome your contributions. All articles and letters should be signed, though in some circumstances the author's name will be withheld upon request. We encourage thoughtful discussion that respects human rights. We reserve the right to edit for libel, length, and clarity.

Articles reporting on union business will be signed and will include the author's position of responsibility in the local. Where an article has the author's name only, the views are those of the author. You may e-mail the editor: [sylvia.ciuciura@humber.ca](mailto:sylvia.ciuciura@humber.ca) or drop materials at the Faculty Union office - H109, North Campus, ext. 4007.

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# President's notes

*by Orville Getz, OPSEU Local 562 President*

## **Professional Development Leave**

The college has posted information in the *Communique* regarding the application process for professional development leave for the academic year 2013–2014. Applications must be submitted to your dean no later than noon on January 4, 2013. Now is the time to start the process if you are considering applying. We have the application information in the union office. Please contact us if you have questions concerning the process or requirements and we will help you with your application.

## **Academic Divisional Meeting**

The meeting for CAAT–Academic took place on October 27 and 28 in Toronto. The local sent five delegates to the two day meeting. Taking part in the meeting from Humber were: Orville Getz, Audrey Taves, Paul Michaud, Robert Mills and Donna Miller. A wide range of topics were discussed and elections were held for the Divisional Executive and other committees. The Divisional Executive elected for the next two years is as follows: Divisional Chair – Benoit Dupuis from La Cite, Vice-Chair – J.P. Hornick from George Brown and the other 3 members are Rod Bain from Algonquin, Lynn Dee Eason from Sault and Jacques O’Sullivan from Centennial. Audrey Taves, the local’s chief steward, was elected to the In-Service Teacher Training Certificate Committee and was also elected as an alternate to the Joint Insurance Committee.

The Divisional Executive tabled their report on activities in the last two years in CAAT and

included topics such as health and safety training, Ontario Learns, government consultation on compensation and OPSEU communications. All committee reports and election results for all committees are available in the local’s office, Room H109 for your viewing. Results of a survey submitted by the locals on Article 2 – Staffing, was reviewed with discussions on the survey results by all locals. This information makes for interesting reading and is also available in the union office.

## **Pensions**

On October 22, OPSEU reached an agreement with the Government of Ontario to maintain joint control of our pension plan which will ensure the viability of the plan over the coming years. Employee contribution increases planned for January 2013 and January 2014 and announced in 2011 will go ahead and will result in slight increases to our contribution. There will be no contribution increase for employers until December 30, 2017. If our plan experiences a funding short-fall during this five year period, a reduction in benefits will be required up to a limit of 20 per cent before further employer contributions would need to be increased. Any benefit reductions would apply to future benefits only from that point forward and not to current pension amounts. At present there is an operating surplus of \$154 million in the plan. To read more about your pension plan, go to the CAAT Pension Plan website. 🏠

*Continued from page 1*

However, since the extra work is often not recorded on the SWF, many faculty don't receive that monetary compensation for the extra work. And most certainly they do not receive the overtime pay they might deserve.

“Why should we be concerned? It's probably not much.” Faculty are often asked or expected to do work for the college outside of the SWF period such as during orientation week and on weekends. For example, if you are asked to do work on the weekend, say at a work-fair, you should be paid time-and-a-half for the hours you work. That means a four hour stint at a work-fair on the weekend is worth  $6 \times .001 \times \text{annual salary}$ . If you are at step 15, that's \$516 for the fair. Even at straight time that's \$352. Do you wonder why there is so much pressure from managers for you to do work that's not recorded on the SWF? However, most of the work that you are asked to do is during the week – an hour here and an hour there. But that adds up. For every hour that you work over your SWF limit, or do work that is not recorded on the SWF, the college has saved  $1 \times .001 \times \text{your annual salary}$ . Again, at step 15 that's \$88. Coordinators are especially vulnerable to this type of theft since some are obliged to come in during vacation to do work, and many are not even compensated for that work which is often necessary.

The phrase to “nickel and dime” springs to mind. This is at a college with a surplus of about \$12.4 million as of this September. (How colleges develop surpluses is another question for another day.)

The problem is far worse for contract faculty such as part time, partial load and sessionals. Many of them are asked to do

development work for their programs over and above the work on their contract such as develop course outlines, course content, attend meetings and seminars, do text-book research and the like. One standout example is that we were told by senior management at a grievance hearing that \$5,500 is the college's going rate to develop a course. Has anybody ever been paid \$5,500 for developing a course? I know that some non-full time faculty have received much less for that work. Can you say Wage Theft? Unfortunately, we have heard stories of some contract faculty being asked to do extra work outside of their teaching contract and not being paid for it at all. Many complain of being “asked” to attend meetings or training sessions but not being paid for that time. Not that that is really surprising given the tight fist nature of upper management here; Humber, after all, is one of the 100 best employers in the GTA.

We all need to be more vigilant about doing volunteer work or doing work assigned outside the SWF process. When asked to do something extra besides the work indicated on your SWF, ask if you will be paid overtime for it, if the SWF will be adjusted accordingly, or ask for the request to be in writing. This is one way of cutting the abuse of stolen wages at this college. Also, there is a new addition in the collective agreement that management must discuss the workload of coordinators (Art. 14.03 A 3) prior to the faculty accepting the role. That's a good time to confirm that extra work over and above the agreed upon assignment that is required by the college be properly compensated.

For more information on the campaign [Stop Wage Theft](#), please visit The Workers' Action Centre's website at [www.workersactioncentre.org](http://www.workersactioncentre.org). 

# Chief Steward's report

by Audrey Taves, OPSEU Local 562 Chief Steward



## Emergency Overtime

One of your colleagues is off sick for the next week or for the rest of the semester. You have been asked by your associate dean to fill in for her. Are you obliged to do so? Is this volunteer work? What if you have no more room on your SWF?

This work fits into the category of “unplanned emergency overtime”, and we have an arbitration settlement with the college to deal with this. Emergency overtime cannot be assigned; you must voluntarily agree to do it. You must be paid for this work. The process is as follows:

If the emergency overtime can be done without exceeding the standard workload overtime limits, the associate dean must provide the union with a copy of the HR information notice showing the overtime.

If the workload limits are to be exceeded (by more than one teaching hour/wk, or more than three workload hours/wk), the associate dean must contact the local union president with the plan for emergency overtime and a request to exceed the workload limits. Once agreement is reached, the HR information notice showing the overtime will be forwarded to the union.

## Are you a Mentor???

It is wonderful to see increased mentorship and support for our contract faculty.

However, when full-time faculty observe a class taught by a contract faculty, is this mentorship or evaluation? It depends of course on how the visit is structured and on where the observations go once the class visit is over.

A new teacher, contract or probationary, can learn a great deal from an established faculty member with experience and expertise in teaching. This is what mentorship is all about.

There is no room, however, for faculty to use these mentoring opportunities to evaluate faculty for management. As the new collective agreement makes very clear, coordinators and other faculty have **no** responsibility for the supervision of

teachers in the bargaining unit.

If you are a mentor, please assure your mentee that any feedback from the classroom visit will go only to them.

If you have any concerns about this process or your role in it, please contact the union.

## Professional Development Leave Sabbaticals

The 2013-2014 sabbatical applications are now available through the October 18 *Communique*. Paper copies are also available in the faculty union office room H109. The submission deadline is January 4.

### What is a sabbatical for?

The purpose of the sabbatical is for “college-approved academic, technical, industrial or other pursuits, where such activities **will enhance the ability of the teacher, counsellor or librarian** upon return to the college” (*Article 20, my emphasis*). Professional development leave should not be confused with curriculum development. Curriculum development is for the college’s benefit and is to be remunerated at 100 per cent of salary.

### Who can apply?

After six years as a full-time employee of Humber, you are eligible to apply for a professional development leave - also called a sabbatical. The college is required to grant a minimum number of leaves depending on the size of the bargaining unit. If more faculty apply than there are positions available, selection is based on years of service since the individual's last professional development leave.

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# Challenging the austerity budget

by Audrey Taves, OPSEU Local 562 Chief Steward

## Can Ontario Afford Generous Sick Leave plans for its Workers?

According to recent legislation, it appears that the answer to the question is NO! But is this really true?

There is a belief in Ontario – voiced by the provincial and the Toronto municipal governments – that encourages a race to the bottom in terms of labour standards, “a belief that the costs of goods and services can be lowered by decreasing wages and benefits.”(Heymann & Earle, 2010, p. 64).

This idea has become popular since the “free market” collapse of 2008. Today’s rhetoric about lower public sector employee salaries and benefits strongly suggests that public sector employees are the cause of our current economic troubles.

In particular, governments appear to be targeting the sick leave plans of public sector workers, most recently that of public school teachers.

Is paid sick leave so expensive? Does paid sick leave hurt productivity?

Research suggests that it actually costs a company more if a sick employee comes to work, rather than taking paid sick time. How can this be?

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## What about salary and benefits?

The salary ranges from 55 per cent to a maximum of 80 per cent of base salary, depending on years of service. Benefits continue unchanged (but do not get the 20 annual sick days). Pension contributions continue to

Consider that when people come to work sick:

- they take longer to recover
- they infect others
- the co-workers who rely on the sick member also decrease their productivity

Consider that without paid sick leave, people put off preventative health visits, immunizations and early care of chronic issues. All of these lead to decreased health and increased health care costs down the road.

In both the short and long term, paid sick leave has a positive effect on productivity.

Please note that Germany – a country revered for its “efficiency” – has 31 or more days of sick leave paid@ 70-100 per cent for all employees ( starting at the first day of illness).

We need to get this message out, before the next round of bargaining.

*Source:*

*Heymann J. & Earle, A., 2010. Raising the global floor: Dismantling the myth that we can't afford good working conditions for everyone. Stanford University Press: California.*



be based on full salary, so that pension benefit is not reduced.

## Where can I get help with my sabbatical application?

If you have questions about your sabbatical plans please contact the union office to discuss your proposal in terms of the workload involved. 

# McHumber

by Rick Law, OPSEU Local 562 2nd Vice-President

An opinion piece appeared in the Toronto Star recently titled “Let’s unplug the classroom.” The article is written by Doug Mann, a sociology professor at the University of Western Ontario. In his article, Professor Mann described the lack of focus in the classroom caused by various electronic devices that the students have in their possession. In short, he states that students aren’t as well tuned into the lessons as they should be because they are fussing with iPods, cell phones and laptops. However, he does state that computers are useful to students for research and to the teachers for PowerPoint and displays. Professor Mann, though, failed to address what we call “online learning”.

The Honourable Glen Murray, our provincial minister for training, colleges and universities, recently released a paper laying out his vision of the future for post-secondary education in Ontario. Amongst other things, he touted the need for more online learning and an “Online University”. The colleges are now falling all over themselves to implement and integrate online learning into their courses and programs.

Most educators don’t realize that the concept of online learning is not new. When I started at Humber in 1979, the north campus was in the middle of a cow pasture. My job was to administer and instruct in what was called the CAI (Computer Assisted Instruction) lab that contained about 36 computer terminals linked to a server. That’s right, we had computers back then! Humber was connected by modem to Seneca, OISE, Centennial and other institutions. This was at the beginning of what we call “the internet”. The software and courseware, called “CAN-CAI” (Completely Arbitrary Name-Computer Assisted Instruction) was developed in the 1970s at OISE with a company called Homecom and was amazingly effective. It included courses in business mathematics,

statistics, technical math, computer programming, English and more. In fact, the quality of the “CAN-CAI system” was superior to most of the commercially available courseware being sold now by the big publishers like Pearson and Prentice-Hall.

The college strike in 1984 put a nail in the coffin of the CAI lab at Humber and the other colleges. Before the strike, the business mathematics classes at Humber were huge – up to 80 or 90 students. Students had two hour lectures and two hours in the CAI lab. The SWF put an end to the large classes and the lab became an Open Learning Centre for a few more years.

So, what has brought the renewed interest in online learning? First of all, post-secondary education in Ontario is grossly underfunded. We rank tenth and last among all the provinces in per student funding. With the colleges rapidly growing and squeezed for money, there is pressure to keep adding more students without spending more money. That means larger class sizes, but the classrooms are restricted by walls and the Ontario Fire Code. The SWF is now no longer effective at keeping class sizes contained. Online learning eliminates the constraints of walls, the SWF and the fire code.

The restaurant industry learned how to get around size and seating restrictions a long time ago. They eliminated the walls and seating capacity by introducing the “drive thru” (actually A&W was ahead of this by using their parking lot for seating). Now, we have people eating their Timbits and drinking coffee on the 401. Isn’t that a wonderful idea! Well, it is for McDonald’s and Tim Horton’s. It just isn’t a good idea for the rest of society.

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There are many online courses running at Humber now and many more to come in the future. Our President, Chris Whitaker, in his “Proposed Mandate Statement” to the Honourable Glen Murray, states that Humber will expand quality online courses by 40 per cent per year through 2015 to meet student demand for flexibility and **reduce pressure on physical resources**. Humber offered 360 online courses and 40 online programs with 16,896 registrants in 2011-12. The classes are still kept relatively small for now (about 20), but the teachers are not given SWF time for handling the course, and there is no guarantee that the classes will stay this small. The courses are assigned as if they are continuing education courses with a separate contract and 3 hours of attributed teaching/administration time per week. In fact, the time required for a teacher to administer one these courses can be much longer than you might think – and you never get to see their charming smiles and innocent faces. Add that to your regular workload and you may have a problem, Professor!

Online teaching does have its merits. It is a great tool when distance learning is truly required. The Humber College CAI lab back in the ‘80s had distance users at CFB Trenton and Orange County, California. It can be useful for students with full time jobs and little time for the traditional classroom. I used a CAN-CAI course to learn “Basic Programming” in my spare time while I ran the lab at Humber. Like the traditional classroom, there can be a wide range in the quality of the learning experience. There are

good online courses and there are not so good online courses. Some students are well suited for online learning and some are not. At Humber we found first hand, with CAI, that the potential for cheating was enormous.

Let’s use online learning in a productive manner. Perhaps there should be more funding for good quality online course development and course teaching/administration (three hours per week may not be enough). We should probably screen the incoming students for suitability to the online environment. Let’s avoid using it for “education-on -the- cheap”. We are Humber College, not McDonald’s. 🚀

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CHRISTMAS IN THE STARS

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\$6 CHILDREN \$8 ADULTS

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# Education should not be a business!

by Audrey Taves, OPSEU Local 562 Chief Steward

*The colleges are being run by a business group with business priorities, i.e. the bottom line. Your student's education is too important to leave to the bottom line. The colleges need teachers making the academic decisions. Faculty want our students to be employable "for life". Students need to have a well-rounded education – so the colleges need to operate according to educational values, not business values."*

A Humber Faculty member

This suggestion for bargaining news was sent to me by a faculty member here at Humber some time ago. Given on-going cuts to curriculum and course hours, given the government's musings about three year degrees and more on-line teaching, given the college's complete refusal to give faculty more "academic freedom" – that is, more say on the need for curriculum revision, classroom strategies, types of evaluation - it seems this is even more true now than in the past.

Did you know that Humber has an accumulated surplus of \$12.4 million that comes from the first six months of this fiscal year?

This money is accumulated in various ways:

- Using contract faculty instead of hiring more full-time faculty (approximately 67 per cent of all courses at Humber are taught by contract faculty, only 33 per

cent by full time faculty).

- Increasing the class sizes of partial-load faculty. Yet, one of the college's selling points to prospective students is that our smaller class sizes allow for more student-faculty interaction. Partial load class sizes can be increased because they don't have a workload formula to limit class sizes as full-time faculty do.
- Increasing the use of in-process type evaluation, so full-time faculty can teach another section.
- Increasing the number of degree programs taught by college faculty (students pay university tuition, college pays the faculty college rates).
- Keeping partial-load faculty in the dark about their benefits so that they do not receive them, thereby saving costs from the college's perspective.

Where will this surplus go?

- to pay for the dramatic increase in administrative positions?
- to pay for management's bonuses?
- to pay for increasing expenses related to new buildings?

Would it make more sense to invest the surplus into teaching, by hiring more full time faculty?



# Full-time faculty & CE courses

by Robert Mills, OPSEU Local 562 Secretary/Treasurer

During the spring of 2012, we put the college on notice that we would be monitoring full-time faculty work assignments for those doing continuing education work. This is in line with an arbitration award given to Canadore College which stated that any teaching, including continuing education must be recorded on the SWF. This award establishes that any and all work assigned by the college must abide by Article 11 (Workload) in the collective agreement. The particular article is:

**11.02 A 2** The SWF shall include **all** details of the total workload including teaching contact hours, accumulated contact days, accumulated teaching contact hours, number of sections, type and number of preparations, type of evaluation/feedback required by the curriculum, class size, attributed hours, contact days, language of instruction and complementary functions. *(my emphasis)*

Human resources might say that the union is stopping the college from giving any continuing education courses to faculty. However, below is the response from the Canadore local to a question on this issue.

*The Human Resources Department is telling me that they can no longer offer me a continuing education part-time contract to teach at night. Why did they stop this?*

- *The college CAN offer you a teaching load for the continuing education and training courses offered during night school. However, the assignment must be made in full compliance with the collective agreement.*

- *The college **MUST** record the assigned hours on your SWF for that semester. Consequently, your daytime workload will be lower due to the forty-four hour maximum attributed workload maximum, and overtime may apply up to three total hours.*
- *The college **CANNOT** offer you a low-ball hourly rate. These assigned hours will be part your normal annual salary.*
- *The college **CANNOT** insist that you incorporate a business in order to “hide” the income for that assignment.*

We did this to protect full-time employees financially in order to

- ensure that full-time faculty are paid properly for all the teaching they do in the college, and
- maintain job security since all work done by faculty is recorded and can be used in layoff considerations.

The quoted material is from Canadore OPSEU Local 237 website.

[http://www.local237.ca/forms/faqs/CE/Union\\_90-02-20.pdf](http://www.local237.ca/forms/faqs/CE/Union_90-02-20.pdf)



# Up at the Board

by Franca Giacomelli,  
Board of Governors Faculty Representative



This article summarizes the September 24 and October 22 meetings of the Board of Governors. As is customary, the first meeting of the academic year started out with the election of the Chair and Vice Chair. I am delighted to report that Joan Homer will continue as Chair and Audrey McKinney is the new Vice Chair. Announcements included Humber being named one of Canada's Top Employers for Young People for the second year in a row, the success of the 'Early Work' completed at the North campus in preparation of the LRC, and campus improvements supporting student success.

## Approval of Certificates

A request was made for Humber to continue offering two Certificates of Achievement – Leadership and Fundamentals of Geographic Information Systems.

The following new certificates were approved: General Arts and Science – Technology, Funeral Pre-Planner, Transfer Service Sales Representative, and Arts Foundation.

A name change was approved to Fundraising Management (from Fundraising and Volunteer Management) Graduate Certificate.

## Approval of Diploma

The Baking and Pastry Arts Management Diploma is a two-year diploma that will immerse students providing them with advanced baking and pastry training and management skills required to operate a successful business.

## Approval of Degrees

Bachelor of Digital Communications is a four-year degree that complements existing diploma and advanced diplomas and will have linkages with other degree and graduate level certificate

programs in the School of Media Studies & Information Technology.

Bachelor of Behavioural Sciences is a four-year degree that helps fill the need for educated behavioural science professionals in community and social service organizations.

## Fall 2012 Enrolment Summary

Humber's full-time enrolment for 2012 will exceed 23,300, an increase of approximately 6 per cent over 2011. Enrolment at Guelph-Humber is approximately 3,850. Applications were down across the system this year, but Humber did well receiving applications from 40,000 individuals applying to 70,000 programs. Returning student enrolment increased by nearly seven percent and this is great news.

## Reports from Audit and Finance Committee

The Statements of Revenue and Expenses predict surpluses for both Humber College and the University of Guelph-Humber (\$21.8M and \$560,000 respectively).

## Property Acquisition

Humber has acquired Unit 417 at 2267 Lakeshore Blvd. West to support International Postsecondary Partnerships.

I would be happy to discuss the details of any of the Board meetings. 📍

# Your Winter SWF is coming soon!

- Need help understanding your SWF?
- Ever wonder what those complementary hours on the front and the back really mean?
- Concerned that your work is not truly reflected on the SWF, but don't know what changes to request?
- Other questions?

Drop by our

# SWF TRIAGE

	At North:	At Lake:
When?	Wed. Nov 14 <sup>th</sup> 12-2pm	Mon. Nov 19 <sup>th</sup>
	Mon. Nov 19 <sup>th</sup> 12-2pm	10am – 1 pm
	Tues. Nov 20 <sup>th</sup> 12-2pm	
Where?	Faculty Union Office, H109	Cottage H Room 115

## Why?

Get the answers to your questions

Pick up a free copy of our "Annotated SWF"

Enter our draw for a \$50 restaurant giftcard

## Can't make the drop in?

Send in or call in your SWF question to [humberlocal562@gmail.com](mailto:humberlocal562@gmail.com)  
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We'll answer your question and enter your name in the draw!